

Christy D. Joseph (#136785)
cjoseph@swlaw.com
Nathan W. Hicks (#236269)
nhicks@swlaw.com
SNELL & WILMER L.L.P.
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626-7689
Telephone: (714) 427-7000
Facsimile: (714) 427-7799

Attorneys for Defendant The University of
Phoenix, Inc.

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF
CALIFORNIA

CHAD MCKINNEY, an individual,
Plaintiff,

v.

APOLLO GROUP, INC.,
UNIVERSITY OF PHOENIX, a
Corporation, MECHELLE
BONILLA, an Enrollment Manager
at UNIVERSITY OF PHOENIX,
KYAN FLYNN, Director of
Enrollment at UNIVERSITY OF
PHOENIX, APRIL ALCORN, an
Employees Relations Consultant at
UNIVERSITY OF PHOENIX,
CARLYN LINDSTEN, Associate
Director of Enrollment at
UNIVERSITY OF PHOENIX

Defendants

CASE NO. 07-CV-2373 WQH CAB

**DECLARATION OF ELLEN
BOWENS**

[FRCP 55(c)]

Date: May 12, 2008

Time: 11:00 a.m.

Courtroom: 4

Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

1 I, Ellen Bowens, declare as follows:

2
3 1. I am over the age of 18. I am currently employed at the University of
4 Phoenix, Inc. ("UOP") as the Associate Director of Operations for its San Diego
5 Campus. On January 31, 2008, I was the Operations Manager for UOP's San
6 Diego Campus. In the capacity as Operations Manager, I oversaw campus
7 operations regarding attendance, customer service, campus safety and facilities. As
8 a major function of my duties, I supervised entry level receptionists and
9 administrative assistants. Unless otherwise indicated, I state the following based on
10 my own personal knowledge.

11
12 2. In carrying out my duties as an Operations Manager for UOP's San
13 Diego Campus, I reported to the Director of Student Services/Operations, Colleen
14 Bjornson, who in turn reported to the San Diego Campus Director, Kim Savich. I
15 did not, and do not, have management responsibilities to direct UOP. Additionally,
16 I have never been an officer, managing agent, general manager or authorized agent
17 able to accept service of process on behalf of UOP.

18
19 3. On or around the end January 2008, I was asked by a subordinate
20 receptionist to help with a man trying to "serve" court papers at her desk. I do not
21 recall the man identifying himself, but I informed him that neither I nor the
22 receptionist was authorized to accept service on behalf of UOP. I then informed the
23 man that UOP had an agent for service of process, CT Corporation. The man then
24 stated that we "did not know the law," left the papers on a table and stormed away.
25 The man was very belligerent throughout the entire process. At no time did the
26 man indicate that he was attempting to serve court papers on UOP. Afterwards, I
27 called CT Corporation in an attempt to determine what to do with the papers, but
28 was told that it could not advise me in that capacity. I then called UOP's Human

1 Resources Department and mailed the papers to that department. I do not know
2 what happened to that stack of legal papers since that time.

3
4 I declare under penalty of perjury under the laws of the State of California
5 that the foregoing is true and correct.

6
7 Dated: March 31, 2008

8 
9 Ellen Bowens

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Snell & Wilmer

LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000

PROOF OF SERVICE**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626-7689.

On April 1, 2008, I served, in the manner indicated below, the foregoing document described as

DECLARATION OF ELLEN BOWENS

on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

I am employed in the office of a member of the bar of this court at whose direction the service was made.

Please See Attached Service List

- ☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).
- ☐ BY FACSIMILE: (C.C.P. § 1013(e)(f)) and by e-mail
- ☒ BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).
- ☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (C.C.P. § 1011(a)(b)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 1, 2008, at Costa Mesa, California.


Ann Dufour

SERVICE LIST**McKinney v. Apollo Group, Inc., et al.
USDC, Southern – Case No. 07-CV-2373**

Chad McKinney Pro Se 6266 Madeline Street, Apt. #61 San Diego, CA 92115 (619) 634-3566	Plaintiff, Pro Se
United States District Court Attention: Hon. Judge William Q. Hayes Courtroom 4 940 Front Street, Room 4290 San Diego, CA 92101-8900 (619) 557-5600	Courtesy Copy

Snell & WilmerLLP
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000